IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20804 of 1994

Between:

E. Chengamma, W/o Guravaiah, aged about 42 years,
R/o Kapu Veedhi Layout, Tirupathi,
Chittoor Dist.

..... PETITIONER

AND

1. The District Collector,
   Chittoor District.
2. The Mandal Revenue Officer,
   Tirupathi (Rural) Mandal, Tirupathi,
   Chittoor District.
3. The Revenue Divisional Officer,
   Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly Writ of Mandamus, directing the respondents 1 to 3 not to interfere with the petitioner's possession and enjoyment of petitioner lands in Sy.No.234/2 an extent of Ac.5.18 cents in Thirchanur (V), Chittoor District.

Counsel for the Petitioner: MR.G.RAMACHANDRA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE.

The Court made the following :

O R D E R:

Heard both sides.

The petitioner herein who claims to be the owner of the land in S.No.234/2 to an extent of Ac 5.18 cents at Thirchanur Village, Chittor District filed this writ petition seeking a direction to the respondents not to interfere with his possession and enjoyment of the land.

The case of the petitioner is that he has purchased the aforesaid land under an agreement of sale from the previous owners and there after, he was granted ryotwari patta by the Inam Tahsildar, Chandragiri, vide proceedings in IDT No.348/7, dated 20.10.1982 under the provisions of the Andhra Pradesh Inams (abolition & Conversion to Ryotwari Patta) Act, 1956 and since then, he has been enjoying the said property. As the respondents are trying to interfere with the property of the

petitioner, this writ petition is filed.

In the counter affidavit filed by the 2nd respondent it is stated that the said land is classified as “Tiruchanur Pedda Cheruvu” in the Revenue Records, which belongs to the Government. It is also stated that in respect of the same land, a Division Bench of this Court in W.A.No.193 of 1990, dated 09.11.1994 held that the said land is a”Communal Poramboke Land”.

After hearing both the learned counsel and on perusing the material placed before this Court, it is seen that in respect of the said land of the petitioner there have been several claims and this Court has already directed the District Collector to conduct an enquiry to find out the truth and there after settle the matter. Further, having regard to the fact that a Division Bench of this Court has already declared the said land as Communal Poramboke land, the claim of the petitioner cannot be sustainable and now this Court cannot go into the disputed fact.

In view of the above said circumstances, I do not find any merit in the writ petition. The writ petition is, therefore, dismissed. However, it would be open for the petitioner to approach the 1st respondent-District Collector, Chittor District to establish his claim. No costs.

12.08.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The District Collector, Chittoor District.

2.The Mandal Revenue Officer, Tirupathi (Rural) Mandal,

Tirupati, Chittoor District.

3. The Revenue Divisional Officer, Tirupathi, Chittoor District.

4.Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (O.U.T.)

5.Two C.D. copies.